

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 1336 - SB 1993

March 26, 2011

SUMMARY OF BILL: Adds definitions for emergency situation, isolation room, positive behavioral supports, and state-approved training program for the purposes of the isolation and restraint of special education students. Adds confinement of a student in an enclosed area or structure pursuant to Tenn. Code Ann. § 49-10-1305(g) to the definition of isolation or seclusion. Adds school personnel employed by a private school or facility with which a local or state education agency contracts for special education services to the definition of school personnel. Requires that students be restrained or isolated only in emergency situations. Sets forth requirements that should be written into a student's individualized education program (IEP) for the use of isolation and restraint in emergency situations. Requires local education agencies to keep records of all isolation and restraint incidents and sets forth what each record shall contain. Requires each incident of isolation or restraint to be reported to Tennessee's federally designated protection and advocacy agency. States that whenever possible additional school staff should observe any use of physical restraint and that school personnel shall maintain continuous line of sight of a student who is in isolation.

Requires a state-approved training program to be approved by the Department of Education (DOE) and sets the minimum requirements of this program. Prohibits the removal or disabling of any device that a student requires including a power wheelchair, brace, communication device, or walker as a means of coercion, punishment, convenience, or retaliation against any student. Sets forth specific requirements for spaces serving as isolation rooms. Requires the Department of Education to quarterly collect and compile data regarding the use of isolation and restraint including the number of incidents, instances in which untrained school personnel acted, demographic information of students, injuries or damage as a result of incidents, and the timeliness of parent notification and administrative review. This data shall be reported by DOE to the State Advisory Council for the Education of Students with Disabilities and requires the Council and the State Board of Education to use the data in making recommendations on the reduction and elimination of the use of isolation and restraint.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$644,000

Increase Local Expenditures – \$2,978,400*

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Assumptions:

- According to DOE, the state will install a new data system in each LEA to track incidents and report on the use of isolation and restraint. This system will cost \$4,000 annually which will be paid for by the state. Cost for this system will be \$544,000 ($\$4,000 \times 136$).
- The DOE will hire one additional staff person to compile and issue the quarterly report. The increase in state expenditures for personnel will be \$100,000 with salary (\$60,000), benefits (\$13,500), health insurance (\$5,600), travel (\$10,000), and other costs (\$10,900).
- The total increase in state expenditures will be \$644,000 ($\$100,000 + \$544,000$).
- LEA personnel will be trained in the new state-approved training program. The DOE estimates that current personnel training expenditures range from \$600 to \$1,300 per person. Assume that the average cost for training is \$950 [$(\$600 + \$1,300) / 2$] and that each of the 136 LEAs has at least two individuals who will be trained in the new program. The increase in local expenditures will be \$258,400 [$(136 \times 2) \times \950].
- Each LEA will require one part-time data entry operator at a cost of \$20,000 per person to compile data and fulfill the quarterly reporting requirement. The increase in local expenditures for personnel will be \$2,720,000 ($136 \times \$20,000$).
- The total increase in local expenditures will be \$2,978,400 ($\$2,720,000 + \$258,400$).
- No increase in the BEP formula.

**Article II, Section 24 of the Tennessee Constitution provides that: No law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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